

DETAILED ACTION

Response to Amendment

1. The Amendment submitted on October 16, 2007, has been entered. Claims 14 and 15 have been cancelled. Claims 5, 13, and 18 have been amended. Therefore, the pending claims are 1 - 13 and 16 - 24. Claims 1 - 4, 8, 9, and 19 - 24 are withdrawn from consideration for being drawn to a nonelected invention.
2. The cancellation of claims 14 and 15 renders moot the rejections to those claims set forth in the previous Office Action.
3. The declaration filed on July 19, 2007 under 37 CFR 1.131 is sufficient to overcome the Goldberg et al. (2005/0044650) reference.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 5 - 7, 10 - 13, and 16 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMott et al. in view of Keck et al. (2003/0106568 A1).

The claims have been amended to recite that the layers are coupled together and that the fabric layers contain split microfibers. For purposes of examination the term “containing” is interpreted as open language, and other components can also be present in the layers besides the split microfibers. As set forth in the previous Office Action the combination of DeMott et al. and Keck et al. disclose that the layers are coupled together and that the microfibers can be made from splittable fibers to enhanced dirt, dust, and/or debris pickup and retention as well as enhanced liquid retention. Thus, claims 5 - 7, 10 - 13, and 16 - 18 are rejected for the reasons of record.

Response to Arguments

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6. Applicant's arguments filed October 16, 2007 have been fully considered but they are not persuasive. The applicant argues that there is not sufficient motivation to used the splittable fibers taught by Keck et al. with the composite fabric of DeMott et al. because Keck et al. does not sufficiently recognize any improvement in the sorption/wicking properties (response, page 9). However, as set forth in the previous Office Action, both references are drawn to cleaning cloths. Further, Keck et al. teaches that the splittable fibers improve various cleaning properties related to dirt and dust retention as well as provide absorbency of liquids, therefore providing sufficient motivation to use the splittable fibers in other cleaning materials. The dirt retention and absorbency properties disclosed by Keck et al. would directly relate to the improved sorption/wicking properties of splittable fibers. The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). The prior art references do not need to be combined for the same reasons as the applicant.

7. Further, the applicant argues that Keck et al. does not teach that the split fibers would have furrows or channels on the surfaces of the split fibers or that the fibers have an irregular surface. However, the applicant recites that the split fibers have a structure comprising furrows and channels. The furrows and channels are not further defined in the claims or described in the application. Further, the applicant fails to even specifically address the splitting process to describe the structure of the furrows or channels. Thus, the terms "furrows and channels" is given it's broadest reasonable interpretation, which is a groove on the surface of the fibers. The shape of the fibers taught by Keck et al. include multilobal fibers which have depressed regions between the lobal regions. Thus, the depressed regions form a groove or channel along the entire length of the fiber which corresponds to the applicant furrow or channel. There is no recitation in the claims that the furrows and channels form an irregular surface and

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cannot be the grooves located between the lobes of a multilobal fiber. Therefore, Keck et al. discloses a fiber shape which meets the required furrow or channel limitation. Thus, the rejection is maintained.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Johnson whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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jlj
January 7, 2008

/Jenna-Leigh Johnson/
Primary Examiner, Art Unit 1794